(35)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1486 of 2007

Petitioners :

1. Shukhdev Prasad Sahu, S/o. Shri Latel Ram Sahu, aged about 44 years, Assistant Teacher, Govt. Middle School-Sumedha, Block-Katghora, Distt.-Korba (C.G.)

2. Bahadur Singh Chhatri, S/o. Shri Jeevan Singh Chhatri, aged about 45 years, Assistant Teacher, Govt. Middle School-Gevara Basti, Block-Katghora, Distt.-Korba (C.G.)

3. Balbhandra Prasad Dewangan, S/o Shri Syam Lal Dewangan, aged about 42 years, Assistant Teacher, Govt. Primary School-Kuruda, Block-Baloda, Distt-Janjgir Champa (C.G.)

Versus

Respondents :

1. State of Chhattisgarh, Through - The Secretary Department of Education D.K.S. Bhawan, Raipur (C.G.)

2. Director Public Instruction Chhattisgarh Govt. Raipur

3. District Education Officer, Distt.-Janjgir-Champa (C.G.)

4. District Education Oficer, Distt. Korba, (C.G.)

5. Assistant Commissioner, Tribal Welfare District Korba (C.G.)

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. A.S. Rajput, Advocate for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for State/respondents.

ORDER

(Passed on this 14th Day of March, 2007)

1. The petitioners were appointed in the year 1982 as Assistant Teachers on fixed pay scale of Rs. 150/-. After completion of two years probation, they were granted regular pay scale of Rs. 169-300/-.

2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether, the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in Amar Sai Ram & others Vs. State of Chhattisgarh & others (W.P. (S) No. 4725/ 2006) by order dated 1.9.2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Amar Sai Ram & others Vs. State of Chhattisgarh & others (Supra).

6. In view of that this petition is disposed of in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge